

SUBJECT: Preliminary Report, Applications by 1107656 Ontario Inc. (Times Group) for Official Plan and Zoning By-law Amendments to permit six (6) high rise apartment buildings along the west side of South Park Road, south of Highway 7, File No. PLAN 20 128679 (Ward 8)

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REVIEWED BY: Ron Blake, MCIP, RPP
Senior Development Manager, West District, (Ext. 2600)

RECOMMENDATION:

That the Preliminary Report entitled "Preliminary Report, Applications by 1107656 Ontario Inc. (Times Group) for Official Plan and Zoning By-law Amendments to permit six (6) high rise apartment buildings along the west side of South Park Road, south of Highway 7, File No. PLAN 20 128679 (Ward 8)", be received.

PURPOSE:

This report provides preliminary information on Official Plan and Zoning By-law Amendment applications submitted by 1107656 Ontario Inc. (Times Group), to permit a high rise residential development on the "Subject Lands". This report contains general information in regards to applicable Official Plan and other policies as well as development issues and should not be taken as Staff's opinion or recommendation on the applications.

BACKGROUND:

Site and Area Context

The 6.6 ha. (16.3 ac.) Subject Lands are located on the west and southwest sides of South Park Road between Highway 7 East and the 407 ETR (see Figures 1, 2 and 3 – Location Map, Area Context and Air Photo). These lands contain no vegetation and are currently undeveloped. A commercial plaza and office buildings are located to the north across Highway 7 East in the City of Richmond Hill. The Highway 407 ETR is located to the south. Townhouses and a high rise residential building containing 34 and 37 storey towers (Pavilia Park Towers, currently under construction) are located to the east across South Park Road. A tributary of the German Mills Creek and the 407 ETR off ramp are located to the west.

Application Status:

The applications to amend the Official Plan and Zoning By-law were deemed complete on November 2, 2020.

Next Steps:

1. A Statutory Public Meeting, to be scheduled when it is appropriate;
2. Staff will prepare a Recommendation Report on the Official Plan and Zoning By-law amendments at a future date;

3. If the applications are approved then future applications for Site Plan approval, Consent or Draft Plan of Subdivision, as appropriate, and Draft Plan of Condominium approval are required;
4. The applicant is proposing to submit a future application for Consent to sever part of Block 46 for a future school site, public park and future road on the west side of South Park Road;

Proposal

The applicant is proposing to amend the 2014 Official Plan to re-designate the subject lands from Business Park Office Priority Employment and Residential Mid Rise to Residential High Rise. The applicant is also proposing to amend Zoning By-law 177-96, as amended, to rezone the subject lands to a Community Amenity Two (CA2) Zone with site specific provisions to facilitate the proposed residential high rise development and Open Space One (OS1) and Open Space Two (OS2) Zones (see Figures 4, 5 and 6 – Site Plans for Blocks 46, 49, as well as Figures 7 and 8 – Renderings for Blocks 46 and 49). The applicant's proposal includes:

Block 46 on Plan 65M-3226:

- three (3) residential towers on the south side of Highway 7 East ranging in height between thirty-six (36) and forty four (44) storeys;
- a total of 1,240 units;
- a total Gross Floor Area (GFA) of 106,553 m² (1,146,926 ft²)
- a site density of 8.89 FSI;
- a one (1) storey podium building for the main lobby area, bicycle storage and amenity areas;
- a total of 1,389 residential parking spaces
- a total of 124 visitor parking spaces
- five (5) levels of underground parking

Part of Block 49 on Plan 65M-3226:

- three (3) residential towers on the north side of the 407 ETR ranging in height between forty (40) and fifty (50) storeys;
- a two (2) storey daycare building fronting onto South Park Road;
- a total of 1,429 units;
- a total Gross Floor Area (GFA) of 118,758 m² (1,267,299 ft²)
- a site density of 7.2 FSI;
- a one (1) storey podium building for the main lobby area, bicycle storage and amenity areas;
- a total of 1,572 residential parking spaces
- a total of 155 visitor parking spaces
- five (5) levels of underground parking

Parks and school and public road:

Two public parks, a 0.76 ha. (1.88 ac.) block on the southeastern portion of Block 49 and a 1.14 ha. (2.83 ac.) block on the westerly edge of the Block 46, are also proposed (see Figure 6 – Master Site Plan). However, these proposed parks represented Times Group's parkland contribution for the two high rise residential towers (Pavilia Park Condos) located to the east across South Park Road (Block 45, Plan 65M-3226) and will not be credited toward parkland requirements for the subject development. In addition, a 1.6 ha. (4.0 ac.) block for a future school site is proposed.

A public road is also proposed between residential towers on Block 46 and the future school site and Public Park located at the westerly edge of the subject lands. The public road will provide an opportunity for this public park to have direct frontage on a public road.

Provincial and Regional Policy Framework

Provincial Policy Conformity

This proposal must be consistent with the Provincial Policy Statement, 2014 and conform to the Growth Plan for the Greater Golden Horseshoe, 2019, the Greenbelt Plan, 2017, and the Planning Act. It will be evaluated against the Provincial Policy Framework during the processing of this application.

York Region Official Plan

The subject lands are designated Urban Area and identified as Regional Corridor on Map 1 – Regional Structure of the York Region Official Plan, 2010 (ROP), which provides for a wide range of Residential, Commercial, and Institutional uses. Regional Corridors are intended to accommodate a high concentration of intensification. In addition, Highway 7 is recognized as a Regional Rapid Transit Corridor on Map 11 – Transit Network in the ROP. The subject lands are also located within a draft Major Transit Station Area (MTSA) which surrounds the Chalmers Bus Rapid Transit (BRT) Station located on Highway 7 East.

Markham Official Plan

Markham Official Plan 2014

The subject lands are designated Business Park Office Priority Employment, Residential Mid Rise (east side of Part of Block 49, Plan 65M-3226) and Deferral Area on Map 3 – Land Use in the Markham Official Plan 2014 (as partially approved on November 24, 2017 and further updated by the Local Planning Appeal Tribunal on April 9, 2018). The subject lands are further identified as being located within the Regional Corridor Key Development Area in Map 2 – Centres and Corridors and Transit Network of the Official Plan 2014. Regional Corridors are intended to function as major nodes with access to rapid transit services.

The Business Park Office Priority Employment designation provides for prestige office as well retail and/or service uses that are accessory to permitted non-industrial uses. The Residential Mid Rise designation provides for residential buildings with a maximum building height of six (6) storeys. Staff note that the subject lands were included as one of a number of employment land conversion applications considered by Markham Council prior to the adoption of the 2014 Official Plan. At that time Markham Council approved the conversion in principle. The Region, through minutes of settlement with Times Group

in 2012 relating to an OMB Hearing on the 2010 York Region Official Plan, agreed that land use planning permissions for the subject lands, other than employment uses, could be determined through a site specific local official plan amendment. The Business Park Office Priority Employment land use designation for the subject property in the Markham Official Plan 2014 was therefore deferred pending Council approval of a site-specific Official Plan amendment application to permit non-employment uses.

The site specific policies under Sections 9.6.4 and 9.6.5 of the Official Plan 2014 for the Commerce Valley/Leitchcroft area also apply to the subject lands. Section 9.6.4 provides for additional uses including entertainment facilities such as cinemas and theatres and similar types of uses, recreational uses such as bowling alleys or similar indoor leisure activities, as well as both private and commercial schools. Section 9.6.4 also identifies the requirement for a comprehensive block plan in considering applications for development approval. The site specific policies under Section 9.6.5 reflect Markham Council's decision on the conversion. These site specific land use policies state that a designation other than Employment Lands may be considered subject to an evaluation of conformity with the policies of the Growth Plan for the Greater Golden Horseshoe, and include the following criteria:

- Compatibility to adjacent land use;
- Achieving an increase in the number of jobs that would otherwise be provided under the "Employment Lands" designation on the subject land, or at minimum, no net reduction in jobs on the site;
- Proximity to transit;
- Provision of lands for a VIVA terminal;
- Achieving better public amenities, including but not limited to public art, Section 37 community benefits and publicly accessible private amenity spaces; and
- Where the location is appropriate, provide for affordable or seniors housing.

These criteria will be considered by staff in their review of the proposed Official Plan Amendment. Staff further note that Sections 9.6.4 and 9.6.5 are currently under a site specific appeal to the LPAT regarding the appropriate land use designations for the "subject lands" and staff are seeking to resolve this matter through the subject applications.

Official Plan (Revised 1987)

Until the 'Deferral Area' land use designation under the Markham Official Plan 2014 is removed from the subject lands, the land use designations provided under the Official Plan (Revised 1987) and the Leitchcroft Secondary Plan, will remain in effect. The subject lands are designated Business Park Area and Business Corridor Area in the Leitchcroft Secondary Plan (OPA 41). Permitted uses within The Business Park Area and Business Corridor Area include offices, light industrial uses, hotels, institutional uses, banks, entertainment uses as well as retail and service uses.

An Official Plan Amendment is required to permit the proposed development. Markham Council will determine the specific uses to be provided for on the subject lands through review of the subject applications and adoption of a site specific Official Plan Amendment.

Zoning

The subject lands are zoned Business Corridor [BC*37(H)/BC*37*49(H)] Zone, Business Park (BP*34) Zone and Residential Two Lane Access (R2-LA*583) Zone under By-law 177-96, as amended. The Business Corridor and Business Park Zones permit a mix of limited commercial, office and industrial uses. The Residential Two Lane Access Zone only permits low rise residential dwellings.

A Zoning By-law Amendment is required to permit a residential high rise development on the "Subject Lands".

OPTIONS/ DISCUSSION:

The following is a list of preliminary comments raised to date. Other matters that are identified through the detailed review of these applications and public meetings will be discussed in a future recommendation report. Some of the matters identified include, but are not limited to:

1. Planning staff are evaluating the Planning Justification Report, prepared by Malone Given Parsons, submitted with the applications.
2. Planning staff are reviewing the appropriateness of the proposed density, the proposed number of units and proposed building heights.
3. Regional staff have commented that the heights and densities of the current proposal are more appropriate where supported by higher order transit (i.e. such as a subway) and a mix of uses including non-residential uses such office, retail and service uses.
4. Transportation Planning staff are reviewing a Transportation Study, prepared by nexTrans Consulting Engineers submitted with the applications as well as the proposed access road alignments and pedestrian and the vehicular circulation. The proposed road to the west between Blocks 46 and the proposed school block is offset from the private road to the east across South Park Road (Gandhi Lane) which will create operational and safety issues. Consequently, Transportation Planning staff recommend that the offset be eliminated.
5. The current multi-use trail along the southern edge of the conceptual Master Site Plan should be maintained through Block 49. The City's Trail Feasibility Study identified trails for this area that will connect to the existing pathway in Valley View Park immediately south of the Highway 407 ETR.
6. Staff will explore with the applicant opportunities to enhance grade related retail along the Highway 7 frontage.
7. Urban Design Staff are reviewing the supporting studies submitted with the application including a Wind Study and a Shadow Studies to ensure the wind and shadow conditions will comply with the City's requirements.
8. As mentioned earlier in this report, the proposed public parks represent Times Group's parkland contribution for the two high rise residential towers (Pavilia Park Condos) located to the east across South Park Road (Block 45, Plan 65M-3226) and currently under construction. The parkland dedication requirement for the subject development will require a separate cash-in-lieu of parkland contribution,

or alternatively an off-site park conveyance, if deemed appropriate by the City, to satisfy parkland dedication requirements.

9. Prior to development occurring on the subject lands, a holding provision will be required to ensure the owner makes satisfactory arrangements, including the execution of agreement(s) to ensure the following matters are addressed:

- Section 37 benefits, including a Public Art contribution, in accordance with City policies and Section 37 of the *Planning Act*, including the fulfillment of financial obligations related to open space, recreational and community services and facilities;
- Provision of adequate infrastructure to service the proposed development;
- Completion of all transportation and infrastructure improvements at no cost to the City for the conveyance of land and construction of a public road on the west side of South Park Road between Block 46 and the future school and park blocks;
- Parkland dedication or cash in lieu (as previously noted);
- The City receives confirmation that the proposed building heights receive an exemption from the Toronto/Buttonville Airport Zoning Regulations;

10. Staff will further investigate whether an application for Consent (Land Severance) or an application for a Draft Plan of Subdivision is required to facilitate the conveyance of the school block to the York Region District School Board, the future public road between the school block and the residential tower block adjacent to Highway 7 East and the public park west of the school site. The future road will provide an opportunity for additional access to the school site as well as to provide frontage for the 1.14 ha. (2.83 ac.) Public Park on the westerly edge of the subject lands.

11. The concerns raised by area residents to date include:

- Request for additional recreation facilities;
- Concerns with the proposed building heights and population density;
- Lack of services/shopping in the community;
- Upkeep of the vacant and undeveloped sites in the community;

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The application is being evaluated in the context of the City's strategic priorities. Including Growth Management and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies and are currently under review.

RECOMMENDED BY:

Biju Karumanchery
Director of Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1 – Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Air Photo
Figure 4 – Site Plan Block 46
Figure 5 – Site Plan Block 49
Figure 6 – Master Site Plan
Figure 7 – Rendering Block 46
Figure 8 – Rendering Block 49

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